

Message Text

CONFIDENTIAL

PAGE 01 GUAYAQUIL 01409 102112Z

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ACTION ARA-10

INFO OCT-01 ISO-00 COA-01 H-01 SCS-03 SCA-01 L-02 CG-00

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FM AMCONSUL GUAYAQUIL

TO SECSTATE WASHDC 3528

INFO AMEMBASSY QUITO

CONFIDENTIAL GUAYAQUIL 1409

E.O. 11652: GDS

TAGS: CASC, EFIS, EC

SUBJ: B&B FISHERIES - NIMI B

REF: GUAYAQUIL 1399; STATE 267267 AND 268497

1. AT MEETING DECEMBER 7 WITH AROSEMENA AND NYON TECHNICAL ATTORNEY FROM PERU, CREWS AND HIS ATTORNEY TRUJILLO ACHIEVED VERBAL SETTLEMENT FOR \$40,000 PLUS \$5,000 FOR AROSEMENA'S FEE. LIEN AGAINST MIMI B NOW CLARIFIED AS COMPENSATION FOR BREACH OF CONTRACT BETWEEN NYON AND B&B FOR USE OF BEATRIZ REFRIGERATION VESSEL AT REPORTED MONTHLY RENT OF \$10,000. FACT THAT BEATRIZ HAS SUNK (CONFIRMED) SEEMS ONLY TO BE AGGRAVATING FACTOR IN SUIT. AROSEMENA AND CLIENT NOT RECOGNIZING DARWIN CLAIM TO OWNERSHIP OF MIMI B AS EXCUSE FOR LIFTING LIEN. CREWS TERMED MEETING AS HEATED AND EMOTIONAL AT TIMES, ESPECIALLY WHEN CREWS REFERRED TO MIMI B AS ".... A US GOVERNMENT BOAT" WHICH RESULTED IN AROSEMENA LEAVING THE ROOM. AGREEMENT TO \$45,000 SETTLEMENT EVENTUALLY AMICABLY ARRANGED, HOWEVER, WITH TRUJILLO'S PERSONAL INTERVENTION. DURING MEETING, NYON REPRESENTATIVE DENIED THAT HIS COMPANY WAS IN ANY WAY US-AFFILIATED. REPORTED OWNER OF NYON, A MR. WALCOTT, PASSED THROUGH GUAYAQUIL SAME DAY EN ROUTE TO NEW YORK, BUT DID NOT PARTICIPATE IN MEETING.

2. CREWS RELAYED ABOVE TO ROBERT ELY IN PHONE CALL DECEMBER 9 AND WAS ASSURED THAT \$45,000 PLUS EXTRA FUNDS REQUIRED BY CREWS TO SETTLE REMAINING OBLIGATIONS HERE (TOTAL OF \$56,000) WILL BE SENT
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PAGE 02 GUAYAQUIL 01409 102112Z

BY END OF THIS WEEK IN CARE OF BANK OF AMERICA. CREWS ATTEMPTING TO

INFORM AROSEMENA OF THIS. REMAINING OBLIGATIONS INCLUDE FUNDS TO SETTLE OUTSTANDING CLAIMS BY SEMINARIO AND HOLTZ, PAY TRUJILLO'S FEE, AND SETTLE PORT CHARGES IN MANTA. CREWS ATTEMPTING TO WORK OUT FUEL ARRANGEMENT WITH ASSISTANCE OF GUNTHER BUEHS, PLANT MANAGER OF INEPACA IN MANTA (VAN CAMP TUNA PROCESSING PLANT). BUEHS WILLING TO HELP EVEN THOUGH ON EARLIER OCCASION HE PAID BY BONNEY WITH CHECK THAT BOUNCED. CHECK EVENTAULLY MADE GOOD BUT BUEHS WAS TEMPORARILY IN EMBARRASSING SITUTATION. CREWS ALSO ATTEMPTING TO WORK OUT EXPEDITIOUS DEPARTURE OF MIMI B ONCE FUNDS RECEIVED FROM BIX BONNEY. AROSEMENA HAS PLEDGED HIS ASSISTANCE IN THIS ACCORDING TO CREWS.

3. ALTHOUGH THINGS SEEM TO BE PROCEEDING SMOOTHLY AND SETTLEMENT OF LIEN IN SIGHT, THERE ARE SEVERAL SMALL PITFALLS WHICH COULD DELAY DEPARTURE OF MIMI B OR FURTHER COMPLICATE SITUATION. MOST IMPORTANT THING NOW IS FOR BONNEY TO LIVE UP TO ELY'S PROMISE OF SENDING FUNDS REQUESTED (AND PROMISED) BY CREWS. WE HOPE BONNEY WILL NOT REVERT AT LAST MINUTE TO CLAIMS OF "ILLEGALITY" OF LIEN WHICH SEEMS HOPELESS TO PURSUE AND AT BEST WOULD PROBABLY INVOLVE COURT BATTLE OF SEVERAL MONTHS' DURATION. WE HAVE ALSO EMPHASIZED TO CREWS IMPORTANCE OF SETTLING WITH OTHER RIGHTFUL CLAIMANTS, USING ASSISTANCE OF TRUJILLO, SO THAT LAST MINUTE LIENS AGAINST BOAT WILL NOT SURFACE.

4. IN HOUR-LONG MEETING DECEMBER 10 AT CONSULATE WITH CONSUL GENERAL AND COMMERCIAL OFFICER, CREWS REVIEWED EVENTS AND AGAIN MENTIONED CONVERSATIONS IN US BEFORE DEPARTURE ABOUT "MAKING A RUN FOR IT" (PARA 7, GUAYAQUIL REFERENCE). APPARENTLY, IDEAS FOR FORCIBLY LEAVING ECUADOR WERE CONSIDERED, EVEN GOING AS FAR AS TO CALCULATE IF IT WOULD BE NECESSARY TO USE VIOLENCE TO MAKE GOOD THE ESCAPE. BONNEY, ACCORDING TO CREWS, ESTIMATED IT WOULD TAKE 3 HOURS TO REACH THE BORDER IN AN ESCAPE ATTEMPT. CREWS RECOUNTED THAT HE HAD ONCE BEFORE PULLED AN ESCAPE OPERATION WITH A FISHING BOAT FROM ACAPULCO, MEXICO. WE HAVE AGAIN STRONGLY ADVISED CREWS NOT TO ATTEMPT ANYTHING LIKE THIS AND HE SEEMS TO HAVE ABANDONED THIS POSSIBILITY, AT LEAST FOR THE PRESENT.

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